

## **REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

### **I. CLAIM STATUS AND AMENDMENTS**

Claims 1 and 2 were pending in this application when last examined and stand rejected.

Claims 1 and 2 are amended. Support for the amendment to claim 2 can be found on page 2, lines 26-27 and page 8, lines 21-24, of the specification as filed.

Claim 2 is amended to conform with the amendments to claim 1.

No new matter has been added.

### **II. REJECTIONS**

In item 6 on pages 2-3 of the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 112, first paragraph, for lack of written description support for a vaccine against HIV infection.

Further, in item 7 on page 3, claims 1 and 2 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite as the Office contends it is unclear what vaccine was being produced.

It is noted that claim 1 has been amended without prejudice to recite a recombinant BCG for inducing an immune reaction against HIV infection. In regard to the written description rejection, it is noted that the Examiner is of the position that the specification does not demonstrate possession of an "HIV vaccine". Thus, for reasons which are self-evident, this rejection is overcome.

Further, attached herewith is an article by Nabel (Attachment A). The attached article (G. Nabel, Nature Review Microbiology, 5:482-484, 2007) indicates a consensus among researchers for HIV vaccine. In particular, on page 483, "Vaccine concepts and clinical trials", it is described that neutralizing antibodies are important for protection against infection, but there is no success for the antibodies.

On the other hand, it is also described that cellular immunity (killer T-cell) specific to a virus effectively controls viral replication in a body. The recombinant BCG of this invention also aims to induce a cellular immunity against HIV. The Examples in this application clearly show that the recombinant BCG induces a cellular immunity in an animal experiment, and from this data an artisan would expect that the same immune reaction would be induced in humans.

Thus, Applicants respectfully suggest that they have demonstrated possession of the claimed invention.

In regard to the above-noted indefiniteness rejection, it is noted that the claims are now drawn to a recombinant BCG for inducing an immune reaction against HIV infection. Thus, this rejection is overcome, as applied to the amended claims, for reasons which are self-evident.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Mitsuo HONDA et al.

By: **/William R. Schmidt, II/**  
William R. Schmidt, II  
Registration No. 58,327  
Attorney for Applicants

Digitally signed by /William R. Schmidt, II/  
DN: cn=/William R. Schmidt, II/, o=WLP,  
ou, email=bschmidt@wenderoth.com,  
c=US  
Date: 2009.04.20 14:09:42 -04'00'

WRS/lc  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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